

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS (Eastern Division)**

**DIRECTV, Inc.**  
Plaintiff,

vs.

**Edward J. DeStefano, Jr.**  
Defendant

) Case No.: 03cv12327RGS  
)

) **AFFIDAVIT OF PLAINTIFF'S COUNSEL**  
) **ATTORNEY JOHN M. McLAUGHLIN**  
)

*6/1/04*

Now comes the Affiant, and makes this his sworn statement, under the pains and penalties of perjury, of his own personal knowledge.

**GENERAL FACTUAL ASSERTIONS**

1. I, John M. McLaughlin, represent the Plaintiff in the above-entitled action.
2. I am a member of the Law Firm of McLaughlin Sacks, LLC.
3. I have used paralegals from the firm to assist me in this case.

**FACTUAL ASSERTIONS AS TO ATTORNEY'S FEES**

4. My usual hourly rate is \$200.00 per hour. The usual hourly rate of the paralegals in our firm is \$90.00 per hour. The usual hourly rate of the support staff in our firm is \$75.00 per hour. These rates are more than reasonable for telecommunication civil litigation specialists.
5. I am a member of the Federal Communications Bar Association and I have been heavily involved in telecommunications litigation since the early 1990's. I have represented DIRECTV, Inc. Comcast Corporate Entities and Coxcom, Inc. on literally hundreds of telecommunications piracy cases.
6. My law firm personnel and I have worked on:

- a. Reviewing the evidence in this case;
- b. Drafting the complaint;
- c. Drafting the civil action cover sheet;
- d. Drafting the corporate disclosure;
- e. Drafting the summons;
- f. Drafting the request for notice of default with its accompanied affidavit
- g. Drafting the Motion for default judgment
- h. Drafting the Memorandum in support of the motion;
- i. Drafting the proposed judgment; and
- j. Drafting this affidavit.

Based upon my normal hourly rates the attorney's fees for this civil action to date would be higher than \$850.00. Yet, to simplify matters and in the hopes of avoiding a hearing in damages in a case where the ultimate recovery of the judgment may be problematic the Plaintiff is seeking in essence, a smaller lump sum attorney's fee of \$850.00. This amount was specifically requested in the complaint.

#### **OTHER FACTUAL ASSERTIONS**

- 7. The Default of the Defendant has been entered for failure and neglect to file an answer to Plaintiff's Complaint.
- 8. On information and belief, the Defendant is not an infant or an incompetent and the Defendant is not in the military service.
- 9. The undersigned believes the court can assess statutory damages in this matter without testimony. Yet, if the court believes testimony is necessary the Plaintiff will fully cooperate and provide fact witnesses and expert witnesses if required.

Date

5/2/04

  
John M. McLaughlin

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